

**Thomas Jefferson to Jonathan Dayton, August 17, 1807, with Note to Madison, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.**

**TO JONATHAN DAYTON J. MSS.**

Monticello, Aug. 17, 07.

Sir, —I received your letter of the 6th inst requesting my interference to have you admitted to bail, and I have considered it with a sincere disposition to administer every relief from unnecessary suffering, which lies within the limits of my regular authority. But when a person charged with an offence is placed in the possession of the judiciary authority, the laws commit to that solely the whole direction of the case; and any interference with it on the part of the Executive would be an encroachment on their independence, and open to just censure. And still more censurable would this be in a case originating, as yours does, not with the Executive, but an independent authority. I am persuaded therefore, that on reconsideration, you will be sensible that, in declining to interpose in the present case, I do but obey the vigorous prescriptions of duty. [I do it however with the less regret as I presume that the same provisions of the law which have given to the principal defendant the accommodation of common apartments, give the same right to yourself and every other defendant, in a country where the application of equal law to every condition of man is a fundamental principle.]<sup>1</sup>

1 Part in brackets struck out.

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I salute you with every wish that the appearances which may have excited the attentions of one inquest towards you, may be so explained as to establish your innocence to the satisfaction of another.

P.S. The delay of the mails by the late rains have prevented an earlier transmission of this answer.<sup>2</sup>

2 Th. J. to J.M. Shall I send Dayton an answer as above? Shall I leave out the last sentence but one? Or shall I send him no answer?

Note.—This was sent under cover to Mr. Hay, & opened for his perusal.—T. J.